

## United States District Court

EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

DUSTIN ALAN ROWLAND,

v.

SOUTHWESTERN CORRECTIONAL,  
LLC, ET AL.

§  
§  
§  
§  
§  
§

Civil Action No. 4:20-CV-847  
(Judge Mazzant/Judge Nowak)

### **MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On August 17, 2021, the report of the Magistrate Judge (Dkt. #67) was entered containing proposed findings of fact and recommendations that Defendants Southwest Correctional, LLC, d/b/a LaSalle Corrections, LLC, d/b/a/ LaSalle Southwest Corrections; LaSalle Management Company, LLC; Warden Stacey King; Sheriff Mark Johnson; and Fannin County, Texas's Motion to Dismiss First Amended Complaint (Dkt. #40) be granted in part and denied in part.

Having received the report of the United States Magistrate Judge, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge's report as the findings and conclusions of the Court.

It is therefore **ORDERED** Defendants Southwestern Correctional, LLC, d/b/a LaSalle Corrections, LLC, d/b/a LaSalle Southwest Corrections; LaSalle Management Company, LLC; Warden Stacey King; Sheriff Mark Johnson; and Fannin County, Texas's Motion to Dismiss First Amended Complaint (Dkt. #40) is **GRANTED IN PART** and **DENIED IN PART**. Specifically, Plaintiff's claims for violation of his Eighth Amendment rights and any claim for violation of his

constitutional rights stemming from a failure to train are **DISMISSED**. Plaintiff's § 1983 claims against Southwestern Correctional, LLC, d/b/a LaSalle Corrections, LLC, d/b/a LaSalle Southwest Corrections; LaSalle Management Company, LLC; Warden Stacey King; and the unserved John and Jane Does are **DISMISSED**.

It is further **ORDERED** that Plaintiff shall be permitted an opportunity to file an amended complaint as to his municipal liability claims against Fannin County under the Fourteenth Amendment and his claims for negligence or gross negligence. The Magistrate Judge shall issue an order directing Plaintiff to file an amended complaint.

**IT IS SO ORDERED.**

**SIGNED this 15th day of September, 2021.**

  
AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE